

**AGENDA ITEM #7**

July 9, 2004

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Update on Boundary of the Legal Delta  
*(For Commission Information and Possible Action)*

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**BACKGROUND:**

The Commission directed staff to research the history of the boundary of the Legal Delta. Several sources recommended contacting Sacramento attorney George Basye of Downey Brand Attorneys.

**BOUNDARY OF LEGAL DELTA:**

Mr. Basye, Counsel to City of Rio Vista, has recently engaged in research of this topic for the City. He reviewed a "legislative intent report" for the bill that defined the "Legal Delta".

The bill was SB 1327 introduced by State Senator George Miller from Contra Costa County. The bill originally included all lands below the 25-foot contour, but was later amended to the metes and bounds description currently in Water Code Section 12220. There is no specific indication of how the final boundary was selected, but apparently the boundary was delineated to include those lands dependent upon Delta channels as a source or irrigation of urban water supply.

The boundary of the Legal Delta has not been amended since adopted in 1959.

The Department of Water Resources' *Sacramento San Joaquin Delta Atlas* includes a map of the Legal Delta delineating the Delta Lowlands, lands approximately at the five foot contour and below, and the Delta Uplands, lands above the five foot contour which are served from the Lowland Delta channels (attached).